

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Complainant,

v.

GLOBAL HORIZONS, INC.,

Respondent.

CASE NO. OSH 2006-13

ORDER NO. 205

PRETRIAL ORDER

PRETRIAL ORDER

On August 16, 2006, the Hawaii Labor Relations Board ("Board") conducted an initial conference in this matter by conference call where Herbert B.K. Lau, Deputy Attorney General, appeared for Complainant, and Greg Ryan, Esq., representing Respondent, participated by telephone. Pursuant to Respondent's general denial of the Citation and Notification and Penalty by Respondent and the representations of the parties, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are at trial are:

(a) Citation 1, Item 1 - 29 CFR 1910.142(b)(2):

- (i) Whether Respondent violated 29 CFR 1910.142(b)(2) as described in Citation 1, Item 1, issued on May 22, 2006?
- (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
- (iii) Whether the imposition and amount of the \$1,250.00 penalty is appropriate? If not, what is the appropriate penalty?

(b) Citation 1, Item 2a - 29 CFR 1910.142(b)(4):

- (i) Whether Respondent violated 29 CFR 1910.142(b)(4) as described in Citation 1, Item 2a, issued on May 22, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$1,000.00 penalty is appropriate? If not, what is the appropriate penalty?
- (c) Citation 1, Item 2b - 29 CFR 1910.142(d)(9):
- (i) Whether Respondent violated 29 CFR 1910.142(d)(9) as described in Citation 1, Item 2b, issued on May 22, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
- (d) Citation 1, Item 2c - 29 CFR 1910.142(d)(10):
- (i) Whether Respondent violated 29 CFR 1910.142(d)(10) as described in Citation 1, Item 2c, issued on May 22, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
- (e) Citation 1, Item 2d - 29 CFR 1910.142(f)(3):
- (i) Whether Respondent violated 29 CFR 1910.142(f)(3) as described in Citation 1, Item 2d, issued on May 22, 2006?
 - (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?

2. Discovery and other deadlines are:

Statement of affirmative defenses,
if any

October 2, 2006

Identification of live witnesses and
exchange of expert reports, if any

December 22, 2006

Discovery cutoff


January 22, 2007

3. The Board will conduct a trial in this matter on February 26, 2007 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii, or as soon thereafter as the case can be heard. The trial will continue from day-to-day until completed.
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, September 5, 2006.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


EMORY J. SPRINGER, Member


SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Greg Ryan, Esq.
Herbert B.K. Lau, Deputy Attorney General